

Message Text

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64

ORIGIN L-02

INFO OCT-01 NEA-10 ISO-00 SCA-01 COME-00 SS-20 NSC-05

CIAE-00 DODE-00 DOTE-00 EB-06 FMC-02 INR-07 NSAE-00

RSC-01 CG-00 COA-01 DLOS-05 SWF-01 FEA-01 SCI-04

TRSE-00 PA-02 PRS-01 USIE-00 SSO-00 NSCE-00 INRE-00

SCSE-00 /070 R

DRAFTED BY L/OES:JRCROOK:EDD

APPROVED BY NEA/INS:DHKUX

MSC - MR. CLAPP (PHONE)

MARAD - MR. CAVANAUGH (SUBSTANCE)

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O R 112132Z OCT 74

FM SECSTATE WASHDC

TO AMEMBASSY NEW DELHI IMMEDIATE

INFO AMCONSUL BOMBAY

AMCONSUL MADRAS

UNCLAS STATE 225193

E.O. 11652: N/A

TAGS: OGEN, PLOS, IN

SUBJECT: IS TRANS-HURON A GOVERNMENT VESSEL?

REF: NEW DELHI 13604 (BOMBAY 2436)

1. TRANS-HURON IS OWNED BY UNITED STATES GOVERNMENT, BUT IS CHARTERED TO POLKE TANKERS, A SUBSIDIARY OF SEATRAN. POLKE HAS IN TURN CHARTERED VESSEL TO HUDSON WATERWAYS, ANOTHER SEATRAN SUBSIDIARY. VESSEL CHARTERED TO POLKE UNDER A USE AGREEMENT EQUIVALENT TO A BARE-BOAT CHARTER. TERMS OF USE AGREEMENT CORRESPOND TO STANDARD COMMERCIAL TERMS. U.S. RETAINS TITLE TO VESSEL, BUT POLKE HAS FULL USE AND CONTROL.

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2. POLKE-HUDSON OPERATE VESSEL FOR PROFIT ON A NORMAL

COMMERCIAL BASIS. AT TIME OF INCIDENT, VESSEL WAS CARRYING U.S. GOVERNMENT-OWNED CARGO ON A TIME CHARTER TO THE MILITARY SEALIFT COMMAND.

3. POST MAY MAKE FOREGOING FACTS AVAILABLE TO APPROPRIATE GOI OFFICIALS AS REQUIRED. POST SHOULD NOT REPEAT NOT SUGGEST ANY U.S. POSITION WITH REGARD TO APPLICATION OF STATUTE CITED PARAGRAPH 4 REFTEL TO THESE FACTS.

4. DEPARTMENT WOULD APPRECIATE ANY INFORMATION CONCERNING STEPS NOW CONTEMPLATED BY INDIAN OFFICIALS REGARDING DISPOSITION OF VESSEL AND CARGO. IN PARTICULAR, WE WOULD APPRECIATE FULLEST POSSIBLE EXPLANATION OF FUTURE STEPS BOTH IF INDIANS DETERMINE THAT STATUTE CITED PARAGRAPH 4 REFTEL DOES NOT APPLY TO TRANS-HURON, AND IF THEY DETERMINE THAT IT DOES APPLY.INGERSOLL

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Message Attributes

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Disposition Event:
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Drafter: JRCROOK:EDD
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30 JUN 2005

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